

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO.

1230
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A BILL FOR AN ACT

RELATING TO FIREARMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there are compelling
2 interests in protecting public health, safety, and welfare from
3 the serious hazards associated with firearms and gun violence.
4 Although the United States Supreme Court has held that the
5 Second Amendment provides for an individual right to keep and
6 bear arms for lawful purposes, the Second Amendment is not "a
7 regulatory straightjacket". *New York State Rifle & Pistol*
8 *Ass'n, Inc. v. Bruen*, 142 S.Ct. 2111, 2133 (2022). States
9 retain authority to enact "a 'variety' of gun regulations", *id.*
10 at 2162 (Kavanaugh, J., concurring), such as prohibitions
11 against the carrying of firearms in sensitive locations and laws
12 and regulations designed to ensure that those who carry firearms
13 are "'law-abiding, responsible citizens'", *id.* at 2131, 2156
14 (internal citation omitted).

15 The purpose of this Act is to clarify, revise, and update
16 Hawaii's firearms laws to mitigate the serious hazards to public
17 health, safety, and welfare associated with firearms and gun
18 violence, while respecting and protecting the lawful exercise of



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1 individual rights. To accomplish this purpose, this Act amends
2 and enacts requirements and processes for obtaining a license to
3 carry a firearm, updates criteria governing when firearm
4 ownership, possession, or control is prohibited, defines
5 locations and premises within the State where carrying or
6 possessing a firearm is prohibited, prohibits leaving an
7 unsecured firearm in a vehicle unattended, and enacts, amends,
8 and clarifies other provisions relating to firearms.

9 In prohibiting carrying or possessing firearms in certain
10 locations and premises within the State, this Act is intended to
11 protect areas in which carrying or possessing dangerous weapons
12 has traditionally been restricted, such as schools and other
13 places frequented by children, government buildings, polling
14 places, and other analogous locations.

15 This Act also respects the right of private individuals and
16 entities to choose for themselves whether to allow or restrict
17 the carrying of firearms on their property by providing that
18 firearms shall not be carried on private property of another
19 person without the express authorization of the owner, lessee,
20 operator, or manager of the property. Recognizing the risks to
21 public health, safety, and welfare associated with firearms and



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1 gun violence, and based on the legislature's assessment of
2 public sentiment and broadly shared preferences within the
3 State, this Act establishes a default rule with respect to
4 carrying firearms on private property of another person that
5 provides for private entities to "opt-in" to authorize the
6 public carry of firearms on their property.

7 This Act also adjusts certain regulatory fees relating to
8 firearms. These adjustments are warranted because prior fee
9 amounts were established by statute decades ago and have not
10 been adjusted to reflect inflation and increased costs
11 associated with background checks and investigations.

12 SECTION 2. Chapter 134, Hawaii Revised Statutes, is
13 amended by adding seven new sections to part I to be
14 appropriately designated and to read as follows:

15 "§134-A Carrying or possessing a firearm in certain
16 locations and premises prohibited; penalty. (a) A person with
17 a license issued under section 134-9, or authorized to carry a
18 firearm in accordance with title 18 United States Code section
19 926B or 926C, shall not intentionally, knowingly, or recklessly
20 carry or possess a loaded or unloaded firearm, whether the
21 firearm is operable or not, and whether the firearm is concealed



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1 or unconcealed, while in any of the following locations and
2 premises within the State:

- 3 (1) Any building or office owned, leased, or used by the
4 State or a county, and adjacent grounds and parking
5 areas, including any portion of a building or office
6 used for court proceedings, legislative business,
7 contested case hearings, agency rulemaking, or other
8 activities of state or county government;
- 9 (2) Any public or private hospital, mental health
10 facility, nursing home, clinic, medical office, urgent
11 care facility, or other place at which medical or
12 health services are customarily provided, including
13 adjacent parking areas;
- 14 (3) Any adult or juvenile detention or correctional
15 facility, prison, or jail, including adjacent parking
16 areas;
- 17 (4) Any bar or restaurant serving alcohol or intoxicating
18 liquor as defined in section 281-1 for consumption on
19 the premises, including adjacent parking areas;
- 20 (5) Any stadium, movie theater, or concert hall, or any
21 place at which a professional, collegiate, high



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- 1 school, amateur, or student sporting event is being
2 held, including adjacent parking areas;
- 3 (6) All public library property, including buildings,
4 facilities, meeting rooms, spaces used for community
5 programming, adjacent grounds, and parking areas;
- 6 (7) The campus or premises of any public or private
7 community college, college, or university, and
8 adjacent parking areas, including buildings,
9 classrooms, laboratories, research facilities,
10 artistic venues, and athletic fields or venues;
- 11 (8) The campus or premises of any public school, charter
12 school, private school, preschool, summer camp, or
13 child care facility as defined in section 346-151,
14 including adjacent parking areas, but not including:
- 15 (A) A private residence at which education is
16 provided for children who are all related to one
17 another by blood, marriage, or adoption; or
- 18 (B) A dwelling when not used as a child care
19 facility;
- 20 (9) Any beach, playground, park, or adjacent parking area,
21 including any state park, state monument, county park,



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- 1 tennis court, golf course, swimming pool, or other
2 recreation area or facility under control,
3 maintenance, and management of the State or a county,
4 but not including an authorized target range or
5 shooting complex;
- 6 (10) Any shelter, residential, or programmatic facility or
7 adjacent parking area operated by a government entity
8 or charitable organization serving unhoused persons,
9 victims of domestic violence, or children, including
10 children involved in the juvenile justice system;
- 11 (11) Any voter service center as defined in section 11-1 or
12 other polling place, including adjacent parking areas;
- 13 (12) The premises of any bank or financial institution as
14 defined in section 211D-1, including adjacent parking
15 areas;
- 16 (13) Any place, facility, or vehicle used for public
17 transportation or public transit, and adjacent parking
18 areas, including buses, paratransit vans, bus shelters
19 and terminals (but not including bus stops located on
20 public sidewalks), trains, rail stations, and
21 airports;



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1 (14) Any amusement park, aquarium, carnival, circus, fair,
2 museum, water park, or zoo, including adjacent parking
3 areas; or

4 (15) Any public gathering, public assembly, or special
5 event conducted on property open to the public,
6 including any demonstration, march, rally, vigil,
7 protest, picketing, or other public assembly, for
8 which a permit is obtained from the federal
9 government, the State, or a county, and the sidewalk
10 or street immediately adjacent to the public
11 gathering, public assembly, or special event; provided
12 that there are signs clearly and conspicuously posted
13 at visible places along the perimeter of the public
14 gathering, public assembly, or special event.

15 (b) This section shall not apply to a person in an exempt
16 category identified in section 134-11(a). It shall be an
17 affirmative defense to any prosecution under this section that a
18 person is:

19 (1) Carrying or possessing an unloaded firearm in a police
20 station in accordance with section 134-23(a)(6), 134-
21 24(a)(6), or 134-25(a)(6);

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- 1 (2) Carrying or possessing an unloaded firearm at an
2 organized, scheduled firearms show or exhibit;
3 (3) Lawfully carrying or possessing a firearm for hunting
4 in compliance with section 134-5;
5 (4) A private security officer expressly authorized to
6 carry or possess a weapon in a location or premises
7 listed in subsection (a) by the owner, lessee,
8 operator, or manager of the location or premises;
9 provided that the private security officer is acting
10 within the private security officer's scope of
11 employment;
12 (5) Carrying or possessing an unloaded firearm in a
13 courthouse for evidentiary purposes with the prior
14 express authorization of the court;
15 (6) Lawfully present within the person's own home, other
16 than a college or university dormitory or shelter or
17 residential facility serving unhoused persons or
18 victims of domestic violence;
19 (7) Carrying a firearm pursuant to a license issued under
20 section 134-9 or in accordance with title 18 United
21 States Code section 926B or 926C in the immediate area



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1 surrounding the person's vehicle within a parking area
2 for the limited purpose of storing or retrieving the
3 firearm;

4 (8) Possessing a firearm in an airport or any place,
5 facility, or vehicle used for public transportation or
6 public transit; provided that the firearm is unloaded
7 and in a locked hard-sided container for the purpose
8 of transporting the firearm;

9 (9) Walking through a public gathering, public assembly,
10 or special event if necessary to access the person's
11 residence, place of business, or vehicle; provided
12 that the person does not loiter or remain longer than
13 necessary to complete their travel or business; or

14 (10) Carrying a concealed firearm in accordance with title
15 18 United States Code section 926B or 926C in a
16 location or premises within the State that is not a
17 State or county property, installation, building,
18 base, or park, and not a location or premises where a
19 private person or entity has prohibited or restricted
20 the possession of concealed firearms on their
21 property.



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1 (c) The presence of a person in any location or premises
2 listed in subsection (a) shall be prima facie evidence that the
3 person knew it was a location or premises listed in subsection
4 (a).

5 (d) Where only a portion of a building or office is owned,
6 leased, or used by the State or a county, this section shall not
7 apply to the portion of the building or office that is not
8 owned, leased, or used by the State or a county, unless carrying
9 or possessing a firearm within that portion is otherwise
10 prohibited by this section.

11 (e) As used in this section, "private security officer"
12 means any person employed and duly licensed to engage in the
13 private detective or guard business pursuant to chapter 463.

14 (f) Any person who violates this section shall be guilty
15 of a misdemeanor.

16 (g) If any ordinance of any county of the State
17 establishing locations where the carrying of firearms is
18 prohibited is inconsistent with this section or with section
19 134-E, the ordinance shall be void to the extent of the
20 inconsistency.



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- 1 §134-B Duty to maintain possession of license while
2 carrying a firearm; duty to disclose; penalty. (a) A person
3 carrying a firearm pursuant to a license issued under section
4 134-9 or in accordance with title 18 United States Code section
5 926B or 926C shall have in the person's immediate possession:
6 (1) The license issued under section 134-9 or
7 documentation regarding the person's qualifications
8 under title 18 United States Code section 926B or
9 926C;
10 (2) Government-issued photo identification; and
11 (3) Except with respect to firearms that are a part of the
12 official equipment of any federal agency as provided
13 under section 134-11(b), documentary evidence that the
14 firearm being carried is registered under this
15 chapter,
16 and shall, upon request from a law enforcement officer, present
17 government-issued photo identification and the license or
18 credentials and evidence of registration.
19 (b) When a person carrying a firearm, including a person
20 carrying a firearm pursuant to a license issued under section
21 134-9 or in accordance with title 18 United States Code section



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1 926B or 926C, is stopped by a law enforcement officer or is a
2 driver or passenger in a vehicle stopped by a law enforcement
3 officer, the person carrying a firearm shall immediately
4 disclose to the law enforcement officer that the person is
5 carrying a firearm, and shall, upon request:

6 (1) Identify the specific location of the firearm; and
7 (2) Present to the law enforcement officer a license to
8 carry a firearm issued under section 134-9 or
9 documentation regarding the person's qualifications
10 under title 18 United States Code section 926B or
11 926C.

12 (c) Any person who violates this section shall be guilty
13 of a petty misdemeanor.

14 **§134-C Leaving unsecured firearm in vehicle unattended;**
15 **penalty.** (a) No person shall intentionally, knowingly, or
16 recklessly store or otherwise leave a loaded or unloaded firearm
17 out of the person's immediate possession or control inside a
18 vehicle without first securely locking the firearm in a safe
19 storage depository that is out of sight from outside of the
20 vehicle.



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1 (b) For purposes of this section, "safe storage
2 depository" means a safe or other secure impact- and
3 tamper-resistant container that, when locked, is incapable of
4 being opened without a key, keypad, combination, or other
5 unlocking mechanism and is capable of preventing an unauthorized
6 person from obtaining access to or possession of the firearm
7 contained therein. A vehicle's trunk or glove box alone, even
8 if locked, is not a safe storage depository.

9 (c) This section shall not apply to a person in an exempt
10 category identified in section 134-11(a).

11 (d) Any person who violates subsection (a) shall be guilty
12 of a petty misdemeanor.

13 **§134-D Unlawful conduct while carrying a firearm; penalty.**

14 (a) A person carrying a firearm shall not:

- 15 (1) Consume alcohol or intoxicating liquor;
- 16 (2) Consume a controlled substance;
- 17 (3) Be under the influence of alcohol or intoxicating
18 liquor; or
- 19 (4) Be under the influence of a controlled substance.

20 (b) As used in this section:



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1 "Alcohol" and "intoxicating liquor" shall have the same
 2 meaning as in section 281-1.

3 "Controlled substance" means a drug, substance, or
 4 immediate precursor in schedules I through III of part II of
 5 chapter 329.

6 (c) Any person who violates this section shall be guilty
 7 of a misdemeanor; provided that any person who violates this
 8 section by consuming or being under the influence of alcohol or
 9 an intoxicating liquor shall be guilty of a petty misdemeanor.

10 §134-E Carrying or possessing a firearm on private
 11 property of another person without authorization; penalty. (a)
 12 A person carrying a firearm pursuant to a license issued under
 13 section 134-9 shall not intentionally, knowingly, or recklessly
 14 enter or remain on private property of another person while
 15 carrying a loaded or unloaded firearm, whether the firearm is
 16 operable or not, and whether the firearm is concealed or
 17 unconcealed, unless the person has been given express
 18 authorization to carry a firearm on the property by the owner,
 19 lessee, operator, or manager of the property.



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1 (b) For purposes of this section, express authorization to
2 carry or possess a firearm on private property shall be
3 signified by:

4 (1) Unambiguous written or verbal authorization; or
5 (2) The posting of clear and conspicuous signage at the
6 entrance of the building or on the premises,
7 by the owner, lessee, operator, or manager of the property, or
8 agent thereof, indicating that carrying or possessing a firearm
9 is authorized.

10 (c) For purposes of this section:

11 "Private entity" means any homeowners' association,
12 community association, planned community association,
13 condominium association, cooperative, or any other
14 nongovernmental entity with covenants, bylaws, or administrative
15 rules, regulations, or provisions governing the use of private
16 property.

17 "Private property" does not include property that is owned
18 or leased by any governmental entity.

19 "Private property of another person" means residential,
20 commercial, industrial, agricultural, institutional, or
21 undeveloped property that is privately owned or leased, unless



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1 the person carrying a firearm is an owner, lessee, operator, or
2 manager of the property, including an ownership interest in a
3 common element or limited common element of the property;
4 provided that nothing in this chapter shall be construed to
5 limit the enforceability of a provision in any private rental
6 agreement restricting a tenant's possession or use of firearms,
7 the enforceability of a restrictive covenant restricting the
8 possession or use of firearms, or the authority of any private
9 entity to restrict the possession or use of firearms on private
10 property.

11 (d) This section shall not apply to a person in an exempt
12 category identified in section 134-11(a).

13 (e) Any person who violates this section shall be guilty
14 of a misdemeanor."

15 **§134-F Annual report on licenses to carry.** (a) No later
16 than April 1, 2024, and April 1 of each year thereafter, the
17 department of the attorney general shall publish a report on its
18 publicly available website that includes, if available:

19 (1) The number of licenses to carry applied for, issued,
20 revoked, and denied, further categorized by the age,



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- 1 gender, race, and county of residence of each
 2 applicant or licensee;
 3 (2) The specific reasons for each revocation and denial;
 4 (3) Analysis of denials based on applicants' failure to
 5 meet the standards of section 134-9(d), and
 6 recommendations to remedy any disparities in denial
 7 rates by age, gender, or race;
 8 (4) The number of appeals and appeals granted; and
 9 (5) The number of violations of section 134-A.
 10 (b) No later than February 1 of each year, the chief of
 11 police of each county shall supply the department of the
 12 attorney general with the data the department requires to
 13 complete the report under subsection (a).

14 §134-G Failure to conceal a firearm by a concealed carry
 15 licensee; penalty. (a) A person commits the offense of failure
 16 to conceal a firearm by a concealed carry licensee if a person
 17 is carrying a firearm pursuant to a license issued under section
 18 134-9(a) and intentionally, knowingly, or recklessly causes
 19 alarm to another person by failing to conceal the firearm, even
 20 briefly, whether the firearm was loaded or not, and whether
 21 operable or not.



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1 (b) It shall be a defense to any prosecution under this
2 section if the person:

3 (1) Was within the person's private residence; or
4 (2) Caused the firearm to be unconcealed for the purpose
5 of self-defense in accordance with section 703-304 or
6 defense of another person in accordance with section
7 703-305.

8 (c) Failure to conceal a firearm by a concealed carry
9 licensee shall be a petty misdemeanor."

10 SECTION 3. Section 134-1, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By adding three new definitions to be appropriately
13 inserted and to read:

14 ~~"Concealed" means, in relation to a firearm, that the~~
15 ~~firearm is entirely hidden from view of the public and not~~
16 ~~discernible by ordinary observation, in a manner that a~~
17 ~~reasonable person without law enforcement training would be~~
18 ~~unable to detect the presence of the firearm.~~

19 ~~"Criminal offense relating to firearms" means:~~

20 (1) Any criminal offense under this chapter punishable as
21 a misdemeanor;



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- 1 (2) Criminally negligent storage of a firearm under
 2 section 707-714.5; and
 3 (3) Any other criminal offense punishable as a misdemeanor
 4 under federal or state law or the law of another
 5 state, a United States territory, or the District of
 6 Columbia that has as an element of the offense the
 7 use, attempted use, threatened use, or possession of a
 8 firearm.

9 "Unconcealed" means not concealed."

10 2. By amending the definition of "crime of violence" to
 11 read:

12 ""Crime of violence" means [any]:

13 (1) Any offense[, as defined in title 37,] under federal
 14 or state law or the law of another state, a United
 15 States territory, or the District of Columbia that
 16 [involves injury] has as an element of the offense
 17 the:

- 18 (A) Injury or threat of injury to the person of
 19 another[, including sexual]; or
 20 (B) Use, attempted use, or threatened use of physical
 21 force against the person or property of another



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1 or the creation of a substantial risk of causing
2 bodily injury;

- 3 (2) Reckless endangering in the second degree under
4 section 707-714;
- 5 (3) Terroristic threatening in the second degree under
6 section 707-717;
- 7 (4) Sexual assault in the fourth degree under section 707-
8 733 [and harassment];
- 9 (5) Endangering the welfare of a minor in the second
10 degree under section 709-904;
- 11 (6) Endangering the welfare of an incompetent person under
12 section 709-905;
- 13 (7) Harassment under section 711-1106(1)(a);
- 14 (8) Harassment by stalking under section 711-1106.5[-];
- 15 (9) Criminal solicitation under section 705-510; provided
16 that the solicitation was for a crime described or
17 listed in paragraphs (1) to (8);
- 18 (10) Criminal conspiracy under section 705-520; provided
19 that the conspiracy was for a crime described or
20 listed in paragraphs (1) to (8); and



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1 (11) Offenses under federal law, or the law of another
 2 state, a United States territory, or the District of
 3 Columbia, that are comparable to the offenses
 4 described or listed in paragraphs (1) to (10)."

5 SECTION 4. Section 134-2, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 **"§134-2 Permits to acquire.** (a) No person shall acquire
 8 the ownership of a firearm, whether usable or unusable,
 9 serviceable or unserviceable, modern or antique, registered
 10 under prior law or by a prior owner or unregistered, either by
 11 purchase, gift, inheritance, bequest, or in any other manner,
 12 whether procured in the State or imported by mail, express,
 13 freight, or otherwise, until the person has first procured from
 14 the chief of police of the county of the person's place of
 15 business or, if there is no place of business, the person's
 16 residence or, if there is neither place of business nor
 17 residence, the person's place of sojourn, a permit to acquire
 18 the ownership of a firearm as prescribed in this section. When
 19 title to any firearm is acquired by inheritance or bequest, the
 20 foregoing permit shall be obtained before taking possession of
 21 [a] the firearm; provided that upon presentation of a copy of



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1 the death certificate of the owner making the bequest, any heir
2 or legatee may transfer the inherited or bequeathed firearm
3 directly to a dealer licensed under section 134-31 or licensed
4 by the United States Department of Justice without complying
5 with the requirements of this section.

6 (b) The permit application form shall ~~[include the]~~ :

7 (1) Include:

8 (A) The applicant's name, address, [sex,] gender,
9 height, weight, date of birth, place of birth,
10 country of citizenship, social security number,
11 alien or admission number [, and information];

12 (B) Information regarding the applicant's mental
13 health history;

14 (C) Any aliases or other names previously used by the
15 applicant;

16 (D) Information that is or may be relevant in
17 determining whether the applicant is disqualified
18 under section 134-7 from the ownership,
19 possession, or control of a firearm; and

20 (E) Information that is or may be relevant in
21 determining whether the applicant lacks the



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1 essential character or temperament necessary to
2 be entrusted with a firearm as set forth in
3 subsection (e); and [shall require]

4 (2) Require the fingerprinting and photographing of the
5 applicant by the police department of the county of
6 registration; provided that where fingerprints and a
7 photograph are already on file with the department,
8 these may be waived.

9 (c) An applicant for a permit shall [sign]:
10 (1) Sign a waiver at the time of application, allowing the
11 chief of police of the county issuing the permit or a
12 designee of the chief of police access to [any] all
13 records that have a bearing on the mental health of
14 the applicant [. The permit application form and the
15 waiver form shall be prescribed by the attorney
16 general and shall be uniform throughout the State.];
17 and

18 (2) Identify any health care providers who possess or may
19 possess the records described in paragraph (1).

20 (d) The chief of police of the respective counties [may]
21 shall issue permits to acquire firearms to [citizens]:



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- 1 (1) Citizens, nationals, or lawful permanent residents of
2 the United States of the age of twenty-one years or
3 more [, or duly] ;
4 (2) Duly accredited official representatives of foreign
5 nations [, or duly] ;
6 (3) Duly commissioned law enforcement officers of the
7 State who are aliens; provided that any law
8 enforcement officer who is the owner of a firearm and
9 who is an alien shall transfer ownership of the
10 firearm within forty-eight hours after termination of
11 employment from a law enforcement agency [. The chief
12 of police of each county may issue permits to aliens] ;
13 (4) Aliens of the age of eighteen years or more for use of
14 rifles and shotguns for a period not exceeding sixty
15 days, upon a showing that the alien has first procured
16 a hunting license under chapter 183D, part II [. The
17 chief of police of each county may issue permits to
18 aliens] ; and
19 (5) Aliens of the age of twenty-one years or more for use
20 of firearms for a period not exceeding six months,
21 upon a showing that the alien is in training for a



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1 specific organized sport-shooting contest to be held
2 within the permit period.

3 The attorney general [shall] may adopt rules, pursuant to
4 chapter 91, as to what constitutes sufficient evidence that an
5 alien is in training for a sport-shooting contest.

6 Notwithstanding any law to the contrary and upon joint
7 application, the chief of police may, upon request, issue
8 permits to acquire firearms jointly to spouses who otherwise
9 qualify to obtain permits under this section.

10 (e) The permit application form shall be signed by the
11 applicant and [~~by the~~] issuing authority. One copy of the
12 permit shall be retained by the issuing authority as a permanent
13 official record. Except for sales to dealers licensed under
14 section 134-31, [~~or~~] dealers licensed by the United States
15 Department of Justice, [~~or~~] law enforcement officers, [~~or where~~
16 ~~a license is granted under section 134-9,~~] or where any firearm
17 is registered pursuant to section 134-3(a), no permit shall be
18 issued to an applicant earlier than fourteen calendar days after
19 the date of the application; provided that a permit shall be
20 issued or the application denied before the [~~twentieth~~] fortieth
21 day from the date of application. Permits issued to acquire any



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1 pistol or revolver shall be void unless used within [ten] thirty
2 days after the date of issue. Permits to acquire a pistol or
3 revolver shall require a separate application and permit for
4 each transaction. Permits issued to acquire any rifle or
5 shotgun shall entitle the permittee to make subsequent purchases
6 of rifles or shotguns for a period of one year from the date of
7 issue without a separate application and permit for each
8 acquisition, subject to the disqualifications under section 134-
9 7 and [subject to] revocation under section 134-13; provided
10 that if a permittee is arrested for committing a felony [or
11 any], a crime of violence, a criminal offense relating to
12 firearms, or for the illegal sale or distribution of any drug,
13 the permit shall be impounded and [shall be] surrendered to the
14 issuing authority. The issuing authority shall perform an
15 inquiry on an applicant by using the International Justice and
16 Public Safety Network, including the United States Immigration
17 and Customs Enforcement query, [the] National Crime Information
18 Center, and [the] National Instant Criminal Background Check
19 System, pursuant to section 846-2.7 before any determination to
20 issue a permit or to deny an application is made. The issuing
21 authority shall not issue a permit to acquire the ownership of a



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1 firearm if an applicant is disqualified under section 134-7 from
2 the ownership, possession, or control of a firearm, or if the
3 issuing authority determines that issuance would not be in the
4 interest of public health, safety, or welfare because the person
5 lacks the essential character or temperament necessary to be
6 entrusted with a firearm. In determining whether a person lacks
7 the essential character or temperament necessary to be entrusted
8 with a firearm, the issuing authority shall consider whether the
9 person poses a danger of causing a self-inflicted bodily injury
10 or unlawful injury to another person, as evidenced by:

- 11 (1) Information from a health care provider indicating
12 that the person has had suicidal or homicidal thoughts
13 or tendencies within the preceding five years;
14 (2) Statements or actions by the person indicating any
15 dangerous propensity or violent animus toward one or
16 more individuals or groups, including groups based on
17 race, color, national origin, ancestry, sex, gender
18 identity, gender expression, sexual orientation, age,
19 disability, religion, or any other characteristic, and
20 the propensity or animus is of a nature or to an
21 extent that would objectively indicate to a reasonable



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1 observer that it would not be in the interest of the
2 public health, safety, or welfare for the person to
3 own, possess, or control a firearm or ammunition; or
4 (3) Other information that would lead a reasonable,
5 objective observer to conclude that the person
6 presents or would present a danger to the community as
7 a result of acquiring or possessing a firearm or
8 intends or is likely to use a firearm for an unlawful
9 purpose or in an unlawful manner.

10 (f) In all cases where a pistol or revolver is acquired
11 from another person within the State, the permit shall be signed
12 in ink by the person to whom title to the pistol or revolver is
13 transferred and shall be delivered to the person who is
14 transferring title to the firearm, who shall verify that the
15 person to whom the firearm is to be transferred is the person
16 named in the permit and enter on the permit in the space
17 provided the following information: name, address, and
18 telephone number of the person who transferred the firearm;
19 name, address, and telephone number of the person to whom the
20 title to the firearm was transferred; names of the manufacturer
21 and importer; model; type of action; caliber or gauge; and



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1 serial number, as applicable. The person who is transferring
2 title to the firearm shall sign the permit in ink and cause the
3 permit to be delivered or sent by registered mail to the issuing
4 authority within forty-eight hours after transferring the
5 firearm.

6 In all cases where receipt of a firearm is had by mail,
7 express, freight, or otherwise from sources [without] outside
8 the State, the person to whom the permit has been issued shall
9 make the prescribed entries on the permit, sign the permit in
10 ink, and cause the permit to be delivered or sent by registered
11 mail to the issuing authority within forty-eight hours after
12 taking possession of the firearm.

13 In all cases where a rifle or shotgun is acquired from
14 another person within the State, the person who is transferring
15 title to the rifle or shotgun shall submit, within forty-eight
16 hours after transferring the firearm, to the authority that
17 issued the permit to acquire, the following information, in
18 writing: name, address, and telephone number of the person who
19 transferred the firearm[?]; name, address, and telephone number
20 of the person to whom the title to the firearm was transferred;



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1 names of the manufacturer and importer; model; type of action;
2 caliber or gauge; and serial number, as applicable.

3 (g) [Effective July 1, 1995, no] No person shall be issued
4 a permit under this section for the acquisition of a [pistol or
5 revolver] firearm unless the person, [at any time prior to]
6 within the four years before the issuance of the permit, has
7 completed:

8 (1) An approved hunter education course as authorized
9 under section 183D-28 [+] , unless the applicant seeks
10 to acquire a pistol or revolver, in which case the
11 applicant shall complete a training satisfying the
12 requirements of paragraph (2), (3), or (4);

13 (2) A firearms safety or training course or class
14 available to the general public offered by a law
15 enforcement agency of the State or of any county;
16 (3) A firearms safety or training course offered to law
17 enforcement officers, security guards, investigators,
18 deputy sheriffs, or any division or subdivision of law
19 enforcement or security enforcement by a state or
20 county law enforcement agency; or



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- 1 (4) A firearms training or safety course or class
2 conducted by a [state certified or National Rifle
3 Association certified firearms instructor] firearms
4 instructor certified or verified by the chief of
5 police of the respective county or a designee of the
6 chief of police or certified by a nongovernmental
7 organization approved for such purposes by the chief
8 of police of the respective county or a designee of
9 the chief of police, or conducted by a certified
10 military firearms instructor; provided that the
11 firearms training or safety course or class provides,
12 at a minimum, a total of at least two hours of firing
13 training at a firing range and a total of at least
14 four hours of classroom instruction, which may include
15 a video, that focuses on:
16 (A) The safe use, handling, and storage of firearms
17 and firearm safety in the home[+], as well as a
18 component on mental health, suicide prevention,
19 and domestic violence issues associated with
20 firearms and firearm violence; and
21 (B) Education on the firearm laws of the State.



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1 An affidavit signed by the certified or verified
 2 firearms instructor who conducted or taught the
 3 course, providing the name, address, and phone number
 4 of the instructor and attesting to the successful
 5 completion of the course by the applicant shall
 6 constitute evidence of certified successful completion
 7 under this paragraph[-]; provided that an instructor
 8 shall not submit an affidavit signed by the instructor
 9 for the instructor's own permit application.

10 (h) No person shall sell, give, lend, or deliver into the
 11 possession of another any firearm except in accordance with this
 12 chapter.

13 (i) No fee shall be charged for permits, or applications
 14 for permits, under this section, except for a single fee
 15 chargeable by and payable to the issuing county[,-~~for~~
 16 individuals applying for their first permit,] in an amount equal
 17 to the fee charged by the Hawaii criminal justice data center
 18 pursuant to section 846-2.7. In the case of a joint
 19 application, the fee provided for in this section may be charged
 20 to each person [~~to whom no previous permit has been issued~~]. If
 21 an application under this section is denied, the chief of police



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1 or a designee of the chief of police shall notify the applicant
2 of the denial in writing, stating the ground or grounds for the
3 denial and informing the applicant of the right to seek review
4 of the denial through a hearing pursuant to subsection (k).

5 (j) In all cases where a permit application under this
6 section is denied because an applicant is prohibited from
7 owning, possessing, receiving, or controlling firearms under
8 federal or state law, the chief of police of the applicable
9 county shall, within ten business days from the date of denial,
10 send written notice of the denial, including the identity of the
11 applicant and the reasons for the denial, to the:

- 12 (1) Prosecuting attorney in the county where the permit
13 was denied;
14 (2) Attorney general;
15 (3) United States Attorney for the District of Hawaii; and
16 (4) Director of public safety.

17 If the permit to acquire was denied because the applicant
18 is subject to an order described in section 134-7(f), the chief
19 of police shall, within three business days from the date of
20 denial, send written notice of the denial to the court that
21 issued the order.



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1 When the director of public safety receives notice that an
2 applicant has been denied a permit because of a prior criminal
3 conviction, the director of public safety shall determine
4 whether the applicant is currently serving a term of probation
5 or parole, and if the applicant is serving such a term, send
6 written notice of the denial to the applicant's probation or
7 parole officer.

8 (k) If an application under this section is denied, a
9 person or entity aggrieved by the denial shall be entitled to a
10 hearing before the chief of police of the appropriate county or
11 a designee of the chief of police. A person or entity aggrieved
12 by the denial shall submit a request for a hearing in writing to
13 the chief of police of the appropriate county no later than
14 thirty days following the date of the decision or determination
15 notice. The hearing shall constitute a contested case hearing
16 for purposes of chapter 91. Following the hearing and final
17 decision, an aggrieved party shall be entitled to a judicial
18 review proceeding in state circuit court in accordance with
19 section 91-14.

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1 (1) The permit application form and the waiver form
 2 required under this section shall be prescribed by the issuing
 3 authority."

4 SECTION 5. Section 134-4, Hawaii Revised Statutes, is
 5 amended by amending subsection (d) to read as follows:

6 "(d) No person shall intentionally, knowingly, or
 7 recklessly lend a firearm to any person who is prohibited from
 8 ownership [~~or~~], possession, or control of a firearm under
 9 section 134-7."

10 SECTION 6. Section 134-7, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "~~§134-7 Ownership [~~or~~], possession, or control prohibited,~~
 13 ~~when; penalty.~~ (a) No person who is a fugitive from justice or
 14 [~~is a person~~] prohibited from possessing [~~firearms~~] a firearm or
 15 ammunition under title 18 United States Code section 922 or any
 16 other provision of federal law shall own, possess, or control
 17 any firearm or ammunition [~~therefor~~].

18 (b) No person who [~~is under indictment for, or has waived~~
 19 ~~indictment for, or has been bound over to the circuit court~~
 20 ~~for,~~] is being prosecuted for one or more charges for a felony,
 21 a crime of violence, a criminal offense relating to firearms, or

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1 an illegal sale or distribution of any drug in a court in this
2 State or elsewhere, or who has been convicted in this State or
3 elsewhere of having committed a felony, [or any] a crime of
4 violence, a criminal offense relating to firearms, or an illegal
5 sale or distribution of any drug shall own, possess, or control
6 any firearm or ammunition [therefor].

7 (c) No person [~~who:~~] shall own, possess, or control any
8 firearm or ammunition if the person:

- 9 (1) Is or has been under treatment or counseling for
10 addiction to, abuse of, or dependence upon any
11 dangerous, harmful, or detrimental drug, intoxicating
12 compound as defined in section 712-1240, or
13 intoxicating liquor;
- 14 (2) Has been acquitted of a crime on the grounds of mental
15 disease, disorder, or defect pursuant to section 704-
16 411[?] or any similar provision under federal law, or
17 the law of another state, a United States territory,
18 or the District of Columbia;
- 19 (3) Is or has been diagnosed [~~as having a significant~~
20 ~~behavioral, emotional, or mental disorders as defined~~
21 ~~by the most current diagnostic manual of the American~~



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1 Psychiatric Association or for treatment for organic
2 brain syndromes;] with or treated for a medical,
3 behavioral, psychological, emotional, or mental
4 condition or disorder that causes or is likely to
5 cause impairment in judgment, perception, or impulse
6 control to an extent that presents an unreasonable
7 risk to public health, safety, or welfare if the
8 person were in possession or control of a firearm; or

9 (4) Has been adjudged to:

10 (A) Meet the criteria for involuntary hospitalization
11 under section 334-60.2; or
12 (B) Be an "incapacitated person", as defined in
13 section 560:5-102,

14 [shall own, possess, or control any firearm or ammunition
15 therefor,] unless the person [has been medically documented to
16 be] establishes, with appropriate medical documentation, that
17 the person is no longer adversely affected by [the addiction,
18 abuse, dependence, mental disease, disorder, or defect.] the
19 criteria or statuses identified in this subsection.

20 (d) No person who is less than twenty-five years old and
21 has been adjudicated by the family court to have committed a



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1 felony, ~~[two or more crimes]~~ a crime of violence, a criminal
2 offense relating to firearms, or an illegal sale or distribution
3 of any drug shall own, possess, or control any firearm or
4 ammunition ~~[therefor]~~.

5 (e) No minor ~~[who:]~~ shall own, possess, or control any
6 firearm or ammunition if the minor:

- 7 (1) Is or has been under treatment for addiction to any
8 dangerous, harmful, or detrimental drug, intoxicating
9 compound as defined in section 712-1240, or
10 intoxicating liquor;
- 11 (2) Is a fugitive from justice; or
- 12 (3) Has been determined not to have been responsible for a
13 criminal act or has been committed to any institution
14 on account of a mental disease, disorder, or
15 defect ~~[+]~~,

16 ~~[shall own, possess, or control any firearm or ammunition~~
17 ~~therefor,~~] unless the minor ~~[has been medically documented to~~
18 ~~be]~~ establishes, with appropriate medical documentation, that
19 the minor is no longer adversely affected by the addiction,
20 mental disease, disorder, or defect.



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1 For the purposes of enforcing this section, and
2 notwithstanding section 571-84 or any other law to the contrary,
3 any agency within the State shall make its records relating to
4 family court adjudications available to law enforcement
5 officials.

6 (f) No person who has been restrained pursuant to an order
7 of any court, including a gun violence protective order issued
8 pursuant to part IV, from contacting, threatening, or physically
9 abusing any person, shall possess, control, or transfer
10 ownership of any firearm or ammunition [~~therefor~~], so long as
11 the protective order, restraining order, or any extension is in
12 effect [~~, unless the order, for good cause shown, specifically~~
~~permits the possession of a firearm and ammunition~~]. The
13 protective order or restraining order shall specifically include
14 a statement that possession, control, or transfer of ownership
15 of a firearm or ammunition by the person named in the order is
16 prohibited. The person shall relinquish possession and control
17 of any firearm and ammunition owned by that person to the police
18 department of the appropriate county for safekeeping for the
19 duration of the order or extension thereof. At the time of
20 service of a protective order or restraining order involving



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1 firearms and ammunition issued by any court, a police officer
2 may take custody of any and all firearms and ammunition in plain
3 sight, those discovered pursuant to a consensual search, and
4 those firearms surrendered by the person restrained. If the
5 person restrained is the registered owner of a firearm and knows
6 the location of the firearm, but refuses to surrender the
7 firearm or [refuses to] disclose the location of the firearm,
8 the person restrained shall be guilty of a misdemeanor. In any
9 case, when a police officer is unable to locate the firearms and
10 ammunition either registered under this chapter or known to the
11 person granted protection by the court, the police officer shall
12 apply to the court for a search warrant pursuant to chapter 803
13 for the limited purpose of seizing the firearm and ammunition.

14 [For the purposes of this subsection, good cause shall not
15 be based solely upon the consideration that the person subject
16 to restraint pursuant to an order of any court is required to
17 possess or carry firearms or ammunition during the course of the
18 person's employment. Good cause consideration may include but
19 not be limited to the protection and safety of the person to
20 whom a restraining order is granted.]



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1 (g) Any person disqualified from ownership, possession,
2 control, or the right to transfer ownership of firearms and
3 ammunition under this section shall surrender or dispose of all
4 firearms and ammunition in compliance with section 134-7.3.

5 (h) Any person who otherwise would be prohibited under
6 subsection (b) from owning, possessing, or controlling a firearm
7 and ammunition solely as a result of a conviction for a crime
8 that is not a felony, and who is not prohibited from owning,
9 possessing, or controlling a firearm or ammunition for any
10 reason under any other provision of this chapter or under title
11 18 United States Code section 922 or another provision of
12 federal law, shall not be prohibited under this section from
13 owning, possessing, or controlling a firearm and ammunition if
14 twenty years have elapsed from the date of the conviction.

15 [~~(h)~~] (i) Any person violating subsection (a) or (b) shall
16 be guilty of a class C felony; provided that any felon violating
17 subsection (b) shall be guilty of a class B felony. Any person
18 violating subsection (c), (d), (e), (f), or (g) shall be guilty
19 of a misdemeanor."

20 SECTION 7. Section 134-9, Hawaii Revised Statutes, is
21 amended to read as follows:



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1 "§134-9 Licenses to carry. (a) [~~In an exceptional case,~~
2 ~~when an applicant shows reason to fear injury to the applicant's~~
3 ~~person or property, the]~~ The chief of police of [the
4 ~~appropriate]~~ a county [may] shall grant a license to an
5 applicant ~~[who is a citizen of the United States of the age of~~
6 ~~twenty one years or more or to a duly accredited official~~
7 ~~representative of a foreign nation of the age of twenty one~~
8 ~~years or more]~~ to carry a pistol or revolver and ammunition
9 ~~[therefor]~~ concealed on the licensee's person within ~~[the county~~
10 ~~where the license is granted. Where the urgency or the need has~~
11 ~~been sufficiently indicated, the respective~~ the State, if the
12 applicant:

- 13 (1) Satisfies each of the criteria established by or
14 pursuant to subsection (d);
15 (2) Is not prohibited under section 134-7 from the
16 ownership, possession, or control of a firearm and
17 ammunition;
18 (3) Is not found to be lacking the essential character or
19 temperament necessary to be entrusted with a firearm
20 as set forth in subsection (h);



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- 1 (4) Is a citizen, national, or lawful permanent resident
 2 of the United States or a duly accredited official
 3 representative of a foreign nation;
 4 (5) Is a resident of the State; and
 5 (6) Is of the age of twenty-one years or more.
 6 (b) The chief of police of a county may grant to an
 7 applicant [of good moral character who is a citizen of the
 8 United States of the age of twenty-one years or more, is engaged
 9 in the protection of life and property, and is not prohibited
 10 under section 134-7 from the ownership or possession of a
 11 firearm,] a license to carry a pistol or revolver and ammunition
 12 [therefor] unconcealed on the licensee's person within the
 13 county where the license is granted[.], if the applicant:
 14 (1) Sufficiently establishes the urgency or need to carry
 15 a firearm unconcealed;
 16 (2) Is engaged in the protection of life and property;
 17 (3) Satisfies each of the criteria established by or
 18 pursuant to subsection (d);
 19 (4) Is not prohibited under section 134-7 from the
 20 ownership, possession, or control of a firearm and
 21 ammunition;



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- 1 (5) Is not found to be lacking the essential character or
2 temperament necessary to be entrusted with a firearm
3 as set forth in subsection (h);
4 (6) Is a citizen, national, or lawful permanent resident
5 of the United States; and
6 (7) Is of the age of twenty-one years or more.
7 (c) The chief of police of the appropriate county, or [the
8 chief's] a designated representative[r] of the chief of police,
9 shall perform an inquiry on an applicant by using the National
10 Instant Criminal Background Check System, to include a check of
11 the Immigration and Customs Enforcement databases [where] if the
12 applicant is not a citizen of the United States, before any
13 determination to grant a concealed or unconcealed license is
14 made. [Unless renewed, the license shall expire one year from
15 the date of issue.]
16 (b) ~~The chief of police of each county shall adopt~~
17 procedures to require that any person granted a license to carry
18 a concealed weapon on the person shall.]
19 (d) To be eligible to receive a license to carry a
20 concealed or unconcealed pistol or revolver on the licensee's
21 person, the applicant shall:



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- 1 (1) ~~[Be qualified to use the firearm in a safe manner;]~~
2 Submit the appropriate carry license application, in
3 person, to the chief of police of the appropriate
4 county, with:
5 (A) All fields on the application form completed and
6 all questions answered truthfully, under penalty
7 of law;
8 (B) All required signatures present on the
9 application;
10 (C) Any required documents attached to the
11 application; and
12 (D) Payment of the nonrefundable license application
13 fee required under this section;
14 (2) ~~[Appear to be a suitable person to be so licensed;]~~ Be
15 the registered owner of the firearm or firearms for
16 which the license to carry will be issued; provided
17 that this paragraph shall not apply to detectives,
18 private detectives, investigators, and guards with an
19 active license issued pursuant to chapter 463;



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- 1 (3) Not be prohibited under section 134-7 from the
2 ownership ~~[or]~~, possession, or control of a firearm;
3 [and]
4 (4) ~~[Not have been adjudged insane or not appear to be~~
5 ~~mentally deranged.] Have completed a course of~~
6 ~~training as described in subsection (e) and be~~
7 ~~certified as qualified to use the firearm or firearms~~
8 ~~for which the license to carry will be issued in a~~
9 ~~safe manner; and~~
10 (5) Sign an affidavit expressly acknowledging that:
11 (A) The applicant has read and is responsible for
12 understanding and complying with the federal,
13 state, and county laws governing the permissible
14 use of firearms and associated requirements,
15 including:
16 (i) The prohibition on carrying or possessing a
17 firearm in certain locations and premises;
18 (ii) The prohibition on carrying more than one
19 firearm on the licensee's person at one
20 time;



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- 1 (iii) The prohibition on carrying a firearm on
2 private property of another person without
3 the express authorization of the owner,
4 lessee, operator, or manager of the private
5 property;
- 6 (iv) The requirement to maintain possession of
7 the license on the licensee's person while
8 carrying a firearm;
- 9 (v) The requirement to disclose information
10 regarding the carrying of a firearm when
11 stopped by law enforcement;
- 12 (vi) The provision for absolute liability for
13 injury or property damage proximately caused
14 by a legally unjustified discharge of a
15 firearm under section 663-9.5; and
- 16 (vii) Laws regarding the use of deadly force for
17 self-defense or the defense of another;
- 18 (B) A license to carry issued under this section
19 shall be void if a licensee becomes disqualified
20 from the ownership, possession, or control of a



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- 1 firearm pursuant to section 134-7(a), (b), (d),
2 or (f);
3 (C) The license shall be subject to revocation under
4 section 134-13 if a licensee for any other reason
5 becomes disqualified under section 134-7 from the
6 ownership, possession, or control of a firearm;
7 and
8 (D) A license that is revoked or that becomes void
9 shall be returned to the chief of police of the
10 appropriate county within forty-eight hours after
11 the license is revoked or becomes void.
12 ~~(e) No person shall carry concealed or unconcealed on the~~
13 ~~person a pistol or revolver without being licensed to do so~~
14 ~~under this section or in compliance with sections 134-5(c) or~~
15 ~~134-25.~~
16 (d) A fee of \$10 shall be charged for each license and
17 shall be deposited in the treasury of the county in which the
18 license is granted.]
19 (e) The course of training for issuance of a license under
20 this section may be any course acceptable to the licensing
21 authority that meets all of the following criteria:

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- 1 (1) The course shall include in-person instruction on
2 firearm safety; firearm handling; shooting technique;
3 safe storage; legal methods to transport firearms and
4 secure firearms in vehicles; laws governing places in
5 which persons are prohibited from carrying a firearm;
6 firearm usage in low-light situations; situational
7 awareness and conflict management; and laws governing
8 firearms, including information regarding the
9 circumstances in which deadly force may be used for
10 self-defense or the defense of another;
11 (2) The course shall include a component on mental health
12 and mental health resources;
13 (3) Except for the component on mental health and mental
14 health resources, the course shall be conducted by one
15 or more firearms instructors certified or verified by
16 the chief of police of the respective county or a
17 designee of the chief of police or certified by a
18 nongovernmental organization approved for those
19 purposes by the chief of police of the respective
20 county or a designee of the chief of police, or



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1 conducted by one or more certified military firearms
2 instructors;

3 (4) The course shall require participants to demonstrate
4 their understanding of the covered topics by achieving
5 a score of at least seventy per cent on a written
6 examination; and

7 (5) The course shall include live-fire shooting exercises
8 on a firing range and shall include a demonstration by
9 the applicant of safe handling of, and shooting
10 proficiency with, each firearm that the applicant is
11 applying to be licensed to carry.

12 (f) Upon passing the course of training identified in
13 subsection (e), the applicant shall obtain from the instructor,
14 and include as part of the applicant's application package, a
15 certification as to the following:

- 16 (1) The applicant's name, as confirmed by reviewing the
17 applicant's government-issued photo identification;
18 (2) The date and location of the firearm proficiency test;
19 (3) The firearm or firearms that the applicant used in the
20 firearm proficiency test;



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- 1 (4) The applicant's score; provided that an indication
2 that the applicant passed or failed, without the score
3 itself, shall be insufficient information for the
4 purposes of the application; and
5 (5) The instructor's qualifications to administer the
6 firearm proficiency test.
- 7 The certification of the above information, signed by the
8 firearms instructor who conducted or taught the course,
9 providing the name, address, and phone number of the instructor,
10 shall constitute evidence of successful completion of the
11 course; provided that the instructor shall not submit a
12 certification signed by the instructor for the instructor's own
13 license application. The course of training for issuance of a
14 license under this section shall be undertaken at the licensee's
15 expense.
- 16 (g) An applicant for a license under this section shall:
17 (1) Sign a waiver at the time of application, allowing the
18 chief of police of the county issuing the license or a
19 designee of the chief of police access to any records
20 that have a bearing on the mental health of the
21 applicant; and



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1 (2) Identify any health care providers who possess or may
2 possess the records described in paragraph (1).

3 (h) In determining whether a person lacks the essential
4 character or temperament necessary to be entrusted with a
5 firearm, the licensing authority shall consider whether the
6 person poses a danger of causing a self-inflicted bodily injury
7 or unlawful injury to another person, as evidenced by:

8 (1) Information from a health care provider indicating
9 that the person has had suicidal or homicidal thoughts
10 or tendencies within the preceding five years;
11 (2) Statements or actions by the person indicating any
12 dangerous propensity or violent animus toward one or
13 more individuals or groups, including groups based on
14 race, color, national origin, ancestry, sex, gender
15 identity, gender expression, sexual orientation, age,
16 disability, religion, or any other characteristic, and
17 the propensity or animus is of a nature or to an
18 extent that would objectively indicate to a reasonable
19 observer that it would not be in the interest of the
20 public health, safety, or welfare for the person to
21 own, possess, or control a firearm or ammunition; or



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1 (3) Other information that would lead a reasonable,
2 objective observer to conclude that the person
3 presents or would present a danger to the community as
4 a result of carrying a firearm in public or intends or
5 is likely to use a firearm for an unlawful purpose or
6 in an unlawful manner.

7 (i) A nonrefundable fee of \$150 shall be charged for each
8 license application submitted under this section. The fee shall
9 be chargeable by and payable to the appropriate county and shall
10 be used for expenses related to police services. The issuing
11 authority shall waive the fee required by this subsection upon a
12 showing of financial hardship by the applicant.

13 (j) If the applicant satisfies each of the requirements
14 for a concealed carry license, an application for a concealed
15 carry license submitted to the chief of police of the
16 appropriate county under this section shall be approved within a
17 reasonable time after receipt of all required application
18 materials. If the applicant does not satisfy one or more of the
19 requirements for a concealed carry license, the license shall be
20 denied within a reasonable time after receipt of the application
21 materials. If an application is denied, the chief of police or



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1 a designee of the chief of police shall notify the applicant of
2 the denial in writing, stating the ground or grounds for the
3 denial and informing the applicant of the right to seek review
4 of the denial through a hearing pursuant to subsection (k). If
5 the chief of police does not grant or deny a submitted
6 application for a concealed carry license within one hundred
7 twenty days following the date of the application, the
8 application shall be deemed denied as of that date for purposes
9 of subsection (k).

10 (k) If an application under this section is denied, a
11 person or entity aggrieved by the denial shall be entitled to a
12 hearing before the chief of police of the appropriate county or
13 a designee of the chief of police. A person or entity aggrieved
14 by the denial shall submit a request for a hearing in writing to
15 the chief of police of the appropriate county no later than
16 thirty days following the date of the decision or determination
17 notice. The hearing shall constitute a contested case hearing
18 for purposes of chapter 91. Following the hearing and final
19 decision, an aggrieved party shall be entitled to a judicial
20 review proceeding in state circuit court in accordance with
21 section 91-14.



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- 1 (1) If an application pursuant to this section is
2 approved, the chief of police shall issue the applicant a
3 license that contains, at minimum:
- 4 (1) The licensee's name;
5 (2) The licensee's address;
6 (3) A photograph of the licensee taken within ninety days
7 before issuance of the license;
8 (4) The county of issuance;
9 (5) A notation as to whether the license permits concealed
10 or unconcealed carry;
11 (6) The serial number of each registered firearm that the
12 licensee may carry pursuant to the license; and
13 (7) The license expiration date.
- 14 The license issued under this subsection shall not constitute a
15 government-issued photo identification document under federal or
16 state law.
- 17 (m) Unless renewed, a concealed or unconcealed license
18 shall expire four years from the date of issue.
- 19 (n) A license to carry issued under this section shall be
20 void if a licensee becomes disqualified from the ownership,
21 possession, or control of a firearm pursuant to section 134-



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1 7(a), (b), (d), or (f). If a licensee for any other reason
2 becomes disqualified under section 134-7 from the ownership,
3 possession, or control of a firearm, the license shall be
4 subject to revocation under section 134-13. A license that is
5 void or revoked shall be returned to the chief of police of the
6 appropriate county within forty-eight hours after the license
7 becomes void or is revoked.

8 (o) The chief of police of each county shall adopt
9 procedures to implement this section.

10 (p) The chief of police of each county shall establish
11 procedures and criteria for the renewal of licenses issued under
12 this section. No license renewal shall be granted if an
13 applicant for a renewed license does not satisfy, or no longer
14 satisfies, the eligibility criteria for a new license set forth
15 in subsections (a) through (d). As a precondition for the
16 renewal of licenses issued under this section, the chief of
17 police of each county may establish reasonable continuing
18 education, training, and certification requirements, including
19 requirements pertaining to the safe handling of firearms and
20 shooting proficiency. A nonrefundable fee of \$50 shall be
21 charged for each license renewal application submitted under



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1 this section. The fee shall be chargeable by and payable to the
 2 appropriate county and shall be used for expenses related to
 3 police services. The issuing authority shall waive the fee
 4 required by this subsection upon a showing of financial hardship
 5 by the applicant.

6 (q) No person carrying a firearm pursuant to a license
 7 issued under this section shall intentionally, knowingly, or
 8 recklessly carry more than one firearm on the licensee's person
 9 at one time.

10 (r) A license issued by the chief of police of a county
 11 within the State under subsection (a) to carry a pistol or
 12 revolver and ammunition concealed on the licensee's person shall
 13 be valid for use in each county within the State."

14 SECTION 8. Section 134-13, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "§134-13 Revocation of permits[.] and licenses. (a) All
 17 permits and licenses provided for under this part [may] shall be
 18 revoked [~~, for good cause,~~] by the issuing authority [or], and
 19 may be revoked by [the judge of] any court [.], if the issuing
 20 authority or court determines that the permit or license is
 21 subject to revocation because the permit or license holder does



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1 not satisfy, or no longer satisfies, the applicable
2 qualifications or requirements associated with the permit or
3 license.

4 (b) If the issuing authority determines that a permit or
5 license is subject to revocation, the issuing authority shall
6 notify the permit or license holder of the determination in
7 writing, stating the grounds for the determination and informing
8 the permit or license holder of the right to seek a hearing
9 before the issuing authority regarding the determination before
10 revocation. Unless the permit or license holder submits a
11 request for a hearing in writing to the issuing authority no
12 later than thirty days following the date of the written notice
13 that the permit or license is subject to revocation, the permit
14 or license shall be immediately revoked by the issuing
15 authority. Any hearing regarding a determination on whether a
16 permit or license is subject to revocation shall constitute a
17 contested case hearing for purposes of chapter 91. A person or
18 entity aggrieved by a revocation under this section may apply
19 for judicial review in state circuit court in accordance with
20 section 91-14.

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1 (c) If a permit or license is revoked pursuant to this
 2 section, the former permit or license holder shall return the
 3 permit or license to the issuing authority within forty-eight
 4 hours following receipt of the notice of revocation."

5 SECTION 9. Section 134-17, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "~~§134-17 Penalties.~~ (a) If any person [gives false
 8 information or offers false evidence of the person's identity in
 9 complying with any of the requirements of this part, that person
 10 shall be guilty of a misdemeanor, provided, however that if any
 11 person intentionally gives false information or offers false
 12 evidence concerning their] intentionally, knowingly, or
 13 recklessly makes any materially false, fictitious, or fraudulent
 14 statement or representation in connection with any of the
 15 requirements of this part, that person shall be guilty of a
 16 misdemeanor; provided that if any person intentionally,
 17 knowingly, or recklessly makes any materially false, fictitious,
 18 or fraudulent statement or representation regarding the person's
 19 psychiatric or criminal history in [complying] connection with
 20 any of the requirements of this part, that person shall be
 21 guilty of a class C felony.



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1 ~~(b) Any person who violates section 134-3(a) shall be~~
2 ~~guilty of a petty misdemeanor.~~

3 ~~(e)] (b) Any person who violates [section] :~~
4 ~~(1) Section 134-2, 134-4, 134-10, [or] 134-13(c), or 134-~~
5 ~~15 shall be guilty of a misdemeanor[.—Any person who~~
6 ~~violates section];~~
7 ~~(2) Section 134-3(a) or 134-9(g) shall be guilty of a~~
8 ~~petty misdemeanor; or~~
9 ~~(3) Section 134-3(b) shall be guilty of a petty~~
10 ~~misdemeanor and the firearm shall be confiscated as~~
11 ~~contraband and disposed of, if the firearm is not~~
12 ~~registered within five days of the person receiving~~
13 ~~notice of the violation."~~

14 SECTION 10. Section 134-18, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§134-18 Qualified immunity for physicians, psychologists,
17 ~~[or] psychiatrists, physician assistants, or advanced practice~~
18 ~~registered nurses who provide information on permit or license~~
19 applicants. There shall be no civil liability for any
20 physician, psychologist, ~~[or] psychiatrist, physician assistant,~~
21 ~~or advanced practice registered nurse who provides information~~



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1 or renders an opinion in response to an inquiry made for
 2 purposes of issuing a firearm permit under section 134-2,
 3 issuing or renewing a license under section 134-9, or [for
 4 purposes of] investigating the continuing mental health of the
 5 holder of a valid firearm permit or license; provided that the
 6 physician, psychologist, [or] psychiatrist, physician assistant,
 7 or advanced practice registered nurse acted without malice."

8 SECTION 11. Section 707-716, Hawaii Revised Statutes, is
 9 amended by amending subsection (2) to read as follows:

10 " (2) Terroristic threatening in the first degree is a
 11 class C felony~~[.]~~; provided that terroristic threatening in the
 12 first degree is a class B felony if committed with a firearm as
 13 defined in section 134-1, whether the firearm was loaded or not,
 14 and whether operable or not, or a simulated firearm, while in
 15 one of the locations or premises listed in section 134-A(a)."

16 SECTION 12. Section 846-2.7, Hawaii Revised Statutes, is
 17 amended by amending subsection (b) to read as follows:

18 " (b) Criminal history record checks may be conducted by:
 19 (1) The department of health or its designee on operators
 20 of adult foster homes for individuals with
 21 developmental disabilities or developmental



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1 disabilities domiciliary homes and their employees, as
2 provided by section 321-15.2;

3 (2) The department of health or its designee on
4 prospective employees, persons seeking to serve as
5 providers, or subcontractors in positions that place
6 them in direct contact with clients when providing
7 non-witnessed direct mental health or health care
8 services as provided by section 321-171.5;

9 (3) The department of health or its designee on all
10 applicants for licensure or certification for,
11 operators for, prospective employees, adult
12 volunteers, and all adults, except adults in care, at
13 healthcare facilities as defined in section 321-15.2;

14 (4) The department of education on employees, prospective
15 employees, and teacher trainees in any public school
16 in positions that necessitate close proximity to
17 children as provided by section 302A-601.5;

18 (5) The counties on employees and prospective employees
19 who may be in positions that place them in close
20 proximity to children in recreation or child care
21 programs and services;



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- (6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;
 - (7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;
 - (8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;
 - (9) The department of human services on prospective adoptive parents as established under section 346-19.7;
 - (10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;



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- 1 (11) The department of human services on persons exempt
2 pursuant to section 346-152 to be eligible to provide
3 child care and receive child care subsidies as
4 provided by section 346-152.5;
- 5 (12) The department of health on operators and employees of
6 home and community-based case management agencies and
7 operators and other adults, except for adults in care,
8 residing in community care foster family homes as
9 provided by section 321-15.2;
- 10 (13) The department of human services on staff members of
11 the Hawaii youth correctional facility as provided by
12 section 352-5.5;
- 13 (14) The department of human services on employees,
14 prospective employees, and volunteers of contracted
15 providers and subcontractors in positions that place
16 them in close proximity to youth when providing
17 services on behalf of the office or the Hawaii youth
18 correctional facility as provided by section 352D-4.3;
- 19 (15) The judiciary on employees and applicants at detention
20 and shelter facilities as provided by section 571-34;



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- 1 (16) The department of public safety on employees and
2 prospective employees who are directly involved with
3 the treatment and care of persons committed to a
4 correctional facility or who possess police powers
5 including the power of arrest as provided by section
6 353C-5;
- 7 (17) The board of private detectives and guards on
8 applicants for private detective or private guard
9 licensure as provided by section 463-9;
- 10 (18) Private schools and designated organizations on
11 employees and prospective employees who may be in
12 positions that necessitate close proximity to
13 children; provided that private schools and designated
14 organizations receive only indications of the states
15 from which the national criminal history record
16 information was provided pursuant to section 302C-1;
- 17 (19) The public library system on employees and prospective
18 employees whose positions place them in close
19 proximity to children as provided by section
20 302A-601.5;

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- 1 (20) The State or any of its branches, political
2 subdivisions, or agencies on applicants and employees
3 holding a position that has the same type of contact
4 with children, vulnerable adults, or persons committed
5 to a correctional facility as other public employees
6 who hold positions that are authorized by law to
7 require criminal history record checks as a condition
8 of employment as provided by section 78-2.7;
- 9 (21) The department of health on licensed adult day care
10 center operators, employees, new employees,
11 subcontracted service providers and their employees,
12 and adult volunteers as provided by section 321-15.2;
- 13 (22) The department of human services on purchase of
14 service contracted and subcontracted service providers
15 and their employees serving clients of the adult
16 protective and community services branch, as provided
17 by section 346-97;
- 18 (23) The department of human services on foster grandparent
19 program, senior companion program, and respite
20 companion program participants as provided by section
21 346-97;



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- 1 (24) The department of human services on contracted and
2 subcontracted service providers and their current and
3 prospective employees that provide home and community-
4 based services under section 1915(c) of the Social
5 Security Act, title 42 United States Code section
6 1396n(c), or under any other applicable section or
7 sections of the Social Security Act for the purposes
8 of providing home and community-based services, as
9 provided by section 346-97;
- 10 (25) The department of commerce and consumer affairs on
11 proposed directors and executive officers of a bank,
12 savings bank, savings and loan association, trust
13 company, and depository financial services loan
14 company as provided by section 412:3-201;
- 15 (26) The department of commerce and consumer affairs on
16 proposed directors and executive officers of a
17 nondepository financial services loan company as
18 provided by section 412:3-301;
- 19 (27) The department of commerce and consumer affairs on the
20 original chartering applicants and proposed executive



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- 1 officers of a credit union as provided by section
2 412:10-103;
- 3 (28) The department of commerce and consumer affairs on:
4 (A) Each principal of every non-corporate applicant
5 for a money transmitter license;
6 (B) Each person who upon approval of an application
7 by a corporate applicant for a money transmitter
8 license will be a principal of the licensee; and
9 (C) Each person who upon approval of an application
10 requesting approval of a proposed change in
11 control of licensee will be a principal of the
12 licensee,
13 as provided by sections 489D-9 and 489D-15;
- 14 (29) The department of commerce and consumer affairs on
15 applicants for licensure and persons licensed under
16 title 24;
- 17 (30) The Hawaii health systems corporation on:
18 (A) Employees;
19 (B) Applicants seeking employment;
20 (C) Current or prospective members of the corporation
21 board or regional system board; or



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- 1 (D) Current or prospective volunteers, providers, or
2 contractors,
3 in any of the corporation's health facilities as
4 provided by section 323F-5.5;
- 5 (31) The department of commerce and consumer affairs on:
6 (A) An applicant for a mortgage loan originator
7 license, or license renewal; and
8 (B) Each control person, executive officer, director,
9 general partner, and managing member of an
10 applicant for a mortgage loan originator company
11 license or license renewal,
12 as provided by chapter 454F;
13 (32) The state public charter school commission or public
14 charter schools on employees, teacher trainees,
15 prospective employees, and prospective teacher
16 trainees in any public charter school for any position
17 that places them in close proximity to children, as
18 provided in section 302D-33;
19 (33) The counties on prospective employees who work with
20 children, vulnerable adults, or senior citizens in
21 community-based programs;



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- 1 (34) The counties on prospective employees for fire
2 department positions that involve contact with
3 children or vulnerable adults;

4 (35) The counties on prospective employees for emergency
5 medical services positions that involve contact with
6 children or vulnerable adults;

7 (36) The counties on prospective employees for emergency
8 management positions and community volunteers whose
9 responsibilities involve planning and executing
10 homeland security measures including viewing,
11 handling, and engaging in law enforcement or
12 classified meetings and assisting vulnerable citizens
13 during emergencies or crises;

14 (37) The State and counties on employees, prospective
15 employees, volunteers, and contractors whose position
16 responsibilities require unescorted access to secured
17 areas and equipment related to a traffic management
18 center;

19 (38) The State and counties on employees and prospective
20 employees whose positions involve the handling or use
21 of firearms for other than law enforcement purposes;



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- 1 (39) The State and counties on current and prospective
2 systems analysts and others involved in an agency's
3 information technology operation whose position
4 responsibilities provide them with access to
5 proprietary, confidential, or sensitive information;
- 6 (40) The department of commerce and consumer affairs on:
- 7 (A) Applicants for real estate appraiser licensure or
8 certification as provided by chapter 466K;
- 9 (B) Each person who owns more than ten per cent of an
10 appraisal management company who is applying for
11 registration as an appraisal management company,
12 as provided by section 466L-7; and
- 13 (C) Each of the controlling persons of an applicant
14 for registration as an appraisal management
15 company, as provided by section 466L-7;
- 16 (41) The department of health or its designee on all
17 license applicants, licensees, employees, contractors,
18 and prospective employees of medical cannabis
19 dispensaries, and individuals permitted to enter and
20 remain in medical cannabis dispensary facilities as



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- 1 provided under sections 329D-15(a)(4) and
2 329D-16(a)(3);
3 (42) The department of commerce and consumer affairs on
4 applicants for nurse licensure or license renewal,
5 reactivation, or restoration as provided by sections
6 457-7, 457-8, 457-8.5, and 457-9;
7 (43) The county police departments on applicants for
8 permits to acquire firearms pursuant to section 134-2
9 [and], on individuals registering their firearms
10 pursuant to section 134-3 [+], and on applicants for
11 new or renewed licenses to carry a pistol or revolver
12 and ammunition pursuant to section 134-9;
13 (44) The department of commerce and consumer affairs on:
14 (A) Each of the controlling persons of the applicant
15 for licensure as an escrow depository, and each
16 of the officers, directors, and principals who
17 will be in charge of the escrow depository's
18 activities upon licensure; and
19 (B) Each of the controlling persons of an applicant
20 for proposed change in control of an escrow
21 depository licensee, and each of the officers,



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- 1 directors, and principals who will be in charge
2 of the licensee's activities upon approval of the
3 application,
4 as provided by chapter 449;
- 5 (45) The department of taxation on current or prospective
6 employees or contractors who have access to federal
7 tax information in order to comply with requirements
8 of federal law, regulation, or procedure, as provided
9 by section 231-1.6;
- 10 (46) The department of labor and industrial relations on
11 current or prospective employees or contractors who
12 have access to federal tax information in order to
13 comply with requirements of federal law, regulation,
14 or procedure, as provided by section 383-110;
- 15 (47) The department of human services on current or
16 prospective employees or contractors who have access
17 to federal tax information in order to comply with
18 requirements of federal law, regulation, or procedure,
19 as provided by section 346-2.5;
- 20 (48) The child support enforcement agency on current or
21 prospective employees, or contractors who have access



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1 to federal tax information in order to comply with
2 federal law, regulation, or procedure, as provided by
3 section 576D-11.5;

4 (49) The department of the attorney general on current or
5 prospective employees or employees or agents of
6 contractors who have access to federal tax information
7 to comply with requirements of federal law,
8 regulation, or procedure, as provided by section 28-
9 17;

10 [+] (50) [+] The department of commerce and consumer affairs on
11 each control person, executive officer, director,
12 general partner, and managing member of an installment
13 loan licensee, or an applicant for an installment loan
14 license, as provided in chapter 480J;

15 [+] (51) [+] The University of Hawaii on current and prospective
16 employees and contractors whose duties include
17 ensuring the security of campus facilities and
18 persons; and

19 [+] (52) [+] Any other organization, entity, or the State, its
20 branches, political subdivisions, or agencies as may
21 be authorized by state law."



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1 SECTION 13. Act 30, Session Laws of Hawaii 2022, is
2 amended by amending section 5 to read as follows:

3 "SECTION 5. This Act shall take effect upon its approval [~~provided that on June 30, 2025, section 2 of this Act shall be repealed and section 134-3, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act~~]."

8 SECTION 14. Every provision in this Act and every application of each provision in this Act is severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is determined by any court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances shall not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court determines to be invalid or unenforceable, leaving the valid applications in force, because it is the legislature's intent that all valid applications shall remain in force.

19 SECTION 15. This Act shall be construed to be enforceable up to but no further than the maximum possible extent consistent with federal law and constitutional requirements.



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1 SECTION 16. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 17. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 18. This Act shall take effect on July 1, 2023;
8 provided that:

9 (1) Sections 4 and 7 shall take effect on January 1, 2024;
10 and

11 (2) The amendments made to section 846-2.7(b), Hawaii
12 Revised Statutes, by section 12 of this Act shall not
13 be repealed when section 28 of Act 278, Session Laws
14 of Hawaii 2022, takes effect on January 1, 2024.



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Report Title:

Firearms; Permits; Licenses; Enforcement

Description:

Prohibits firearms in certain locations and premises. Requires possession and disclosure of a license to carry. Prohibits leaving an unsecured firearm in a vehicle unattended. Prohibits consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm. Prohibits carrying or possessing firearms on certain private property without express authorization. Requires annual reports from the department of the attorney general on carry licenses. Amends the requirements for, and revocation of, firearms permits and licenses. Amends the disqualification of persons from owning, possessing, or controlling a firearm. Expands the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

